

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AFSHIN TIRAIE,  
Plaintiff,

v.

GAVILAN JOINT COMMUNITY  
COLLEGE DISTRICT,  
Defendant.

Case No. 18-cv-06727-SVK

**INTERIM ORDER REGARDING  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

Re: Dkt. Nos. 23, 25

The Court has received Plaintiff's opposition to Defendant's motion for summary judgment, in which Plaintiff asserts that additional discovery is necessary to oppose Defendant's motion. *See* ECF 25. The Court construes Plaintiff's opposition as a motion to allow time for discovery under Federal Rule of Civil Procedure 56(d). The Court notes that fact discovery closes on May 31, 2019, and the Parties are set for a settlement conference on June 4, 2019. ECF 14; ECF 15.

The Court **ORDERS** as follows:

- I. To properly evaluate Plaintiff's request, the Court **ORDERS** Plaintiff to provide the information set forth below.

No later than **May 21, 2019**, Plaintiff shall:

1. Identify the specific outstanding discovery requests to which Plaintiff contends Defendant has yet to respond. These must be requests that have already been served. For each request, Plaintiff is to set forth:
  - a. The specific request;
  - b. The date it was served;
  - c. The response he has received from Defendant, if any; and

- 1 d. What meet and confer efforts have taken place between the Parties, if any.
- 2 2. In addition to the outstanding requests identified in no. 1 above, if Plaintiff contends
- 3 that he also needs to serve new discovery requests on either Defendant or third parties,
- 4 he must:
- 5 a. Provide the Court with a copy of the new request(s);
- 6 b. Identify the reason for the request(s) and why it was not served earlier to allow
- 7 for completion of discovery by May 31, 2019, and
- 8 c. Ask the Court for permission to serve the request(s), in light of the close of fact
- 9 discovery on May 31, 2019.

10 II. The Court further **ORDERS** that Defendant shall not file a reply in support of its summary

11 judgment motion (currently due on May 9, 2019) at this time. Instead, Defendant shall

12 respond as directed below.

13 No later than **May 28, 2019**, Defendant shall:

- 14 1. For any outstanding requests identified in I(1) above, provide its response and set forth
- 15 its position as to whether its response is complete;
- 16 2. For any discovery identified in I(2) above, set forth its position, including any
- 17 objections.

18 III. After reviewing the Parties' submissions, the Court will make a determination as to

19 whether Plaintiff should be allowed limited, focused discovery to respond to Defendant's

20 motion for summary judgment or if briefing on the motion should resume.

21 IV. Finally, at this time, **all case deadlines remain in place.**

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1 The Court informs Plaintiff that the Federal Pro Se Program at the San Jose Courthouse  
2 provides free information and limited-scope legal advice to pro se litigants in federal civil cases.  
3 The Federal Pro Se Program is available by appointment and on a drop-in basis. The Federal Pro  
4 Se Program is available at Room 2070 in the United States Courthouse in San Jose (Monday to  
5 Thursday 9:00 a.m.–4:00 p.m., on Friday by appointment only), or by calling (408) 297-1480.  
6 Parties may make appointments by contacting the program’s staff attorney, Mr. Kevin Knestrick,  
7 at (408) 297-1480 or [kknestrick@asianlawalliance.org](mailto:kknestrick@asianlawalliance.org). In addition, the Court offers a pro se  
8 handbook free of charge; a copy may be obtained from the Clerk’s office or downloaded from  
9 <http://cand.uscourts.gov/prosehandbook>.

10 **SO ORDERED.**

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12 Dated: May 6, 2019

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15 SUSAN VAN KEULEN  
16 United States Magistrate Judge  
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